

EON-NET, L.P.,

- against -

Defendant.

09-CV-871 (ENV) (VVP)

Plaintiff Eon-Net, L.P. filed this action against defendant United Airlines, Inc. on March 2, 2009. Plaintiff alleges that defendant has been infringing, actively inducing the infringement of, and/or contributorily infringing three of its patents, in violation of Title 35 of the United States Code.

The docket reflects that no activity has been undertaken by plaintiff since the complaint was filed. On January 6, 2010, an order was issued via electronic case filing (“ECF”) directing plaintiff’s counsel to provide the court with a status report within ten days. The docket reflects that the order was received at the e-mail address registered by plaintiff’s counsel for service via ECF. Nothing whatsoever was filed. Accordingly, on January 23, 2010, Magistrate Judge Pohorelsky issued a Report and Recommendation (“R&R”) recommending that the case be dismissed for want of prosecution.¹ See FED. R. CIV. P. 41(b); Link v. Washbash R.R. Co., 370 U.S. 626, 630-31 (1962) (“The authority of a court to dismiss sua sponte for lack of prosecution has generally been considered an ‘inherent power,’ governed not by rule or statute but by the control necessarily vested

in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.” (citations omitted)).

Magistrate Judge Pohorelsky gave the parties until February 11, 2010 to file any objections to the R&R. No objections were filed.

In reviewing a report and recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Moreover, in order to accept a magistrate judge’s report and recommendation where no timely objection has been made, the “court need only satisfy itself that there is no clear error on the face of the record.” Urena v. New York, 160 F.Supp.2d 606, 609-10 (S.D.N.Y. 2001) (quoting Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)).

Consequently, there being no objection, and because the Court finds Magistrate Judge Pohorelsky’s R&R to be correct, comprehensive, well-reasoned, and free of any clear error, it is hereby ordered that this case be dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). The Clerk of the Court is directed to mail a copy of this order to both parties and to close this case.

SO ORDERED.

s/ENV

ERIC N. VITALIANO
United States District Judge

DATED: Brooklyn, New York
April 7, 2010

¹ The R&R was filed on January 25, 2010.